

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES EDWARD KITCHEN,

Plaintiff,

Case No. 1:07-cv-1074

v

HON. JANET T. NEFF

STATE OF MICHIGAN et al.,

Defendants.

JUDGMENT

This is a prisoner civil rights action filed pursuant to Federal Rule of Civil Procedure 60(b)(4); 22 U.S.C. §§ 611, 612; 4 U.S.C. §§ 101, 102; and 28 U.S.C. § 1331. On December 13, 2007, the Magistrate Judge filed a Report and Recommendation, recommending that the action be dismissed upon initial screening pursuant to 28 U.S.C. § 1915A(b)(1) on grounds that the complaint fails to state a claim. The matter is presently before the Court on plaintiff's objections to the Report and Recommendation.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. Plaintiff's objections fail to demonstrate any error by the Magistrate Judge. The Court therefore denies the objections.

For these reasons and because plaintiff is proceeding *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

THEREFORE, IT IS ORDERED that the objections (Dkt 12) are DENIED and the Report and Recommendation (Dkt 9) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915A(b) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that plaintiff's motions for order to update patent (Dkts 16 & 18), motion for order for immediate release (Dkt 20), and motions for orders of summons (Dkts 25 & 26) are therefore DISMISSED as moot.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: July 14, 2008

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge